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Attorney Docket No: 20411-720 (28110/35880)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Ford and George Yeung

Serial No.: 08/968,800

Filed: November 22, 1997

For: A Novel EGF Motif Protein
Obtained from cDNA Library of Fetal
Liver-Spleen

Group Art Unit: 1646

Examiner: Hamud, F.

) I hereby certify that this paper is being
) deposited with the United States
) Postal Service as first class mail,
) postage prepaid, in an envelope
) addressed to: Assistant Commissioner
) for Patents, Washington, D.C. 20231
) on this date:

) September 30, 1999

) Li Hsien Rin-Laures
) Li-Hsien Rin-Laures, M.D.
) Registration No. 33,547
) Attorney for Applicants

**PETITION AND AMENDMENT
CORRECTING INVENTORS UNDER 37 C.F.R. §1.48(a)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicant hereby petitions to amend the inventorship of the above-identified application by deleting Radoje Drmanac, Radomir Crkvenjakov, Mark Dickson, Snezana Drmanac, Ivan Labat, Dena Leshkowitz and David Kita as named inventors, leaving John Ford and adding George Yeung as joint inventors. Enclosed herewith is the following:

- 1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without deceptive intent,
- 2) a declaration executed by John Ford and George Yeung,
- 3) the requisite \$130.00 fee pursuant to 37 CFR §1.17(i), and

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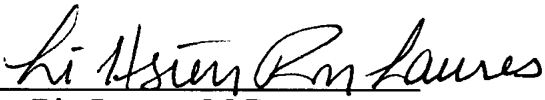
- 4) written consent of the assignee.

Please charge any deficiency in the fees to Deposit Account 13-2855.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN

BY:


Li-Hsien Rin-Laures, M.D.
Registration No. 33,547
6300 Sears Tower
233 S. Wacker Drive
Chicago, IL 60606-6402
(312) 474-6300

September 30, 1999



PATENT

Attorney Docket No: 28110/35880

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) Group Art Unit: 1646
)
) Examiner: Hamud, F.

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**STATEMENT OF RADOJE DRMANAC REGARDING
INVENTORSHIP ERROR UNDER 37 C.F.R. §1.48(a)(1)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.48(a), the undersigned declares that he was named an inventor in the above application in error and without deceptive intent on his part.

Date

9/2/99

Radoje Drmanac



PATENT

Attorney Docket No: 28110/35880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Ford and George
Yeung

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) For: A Novel EGF Motif Protein
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)
) Group Art Unit: 1646
)
) Examiner: Hamud, F.

**STATEMENT OF RADOMIR CRKVENJAKOV REGARDING
INVENTORSHIP ERROR UNDER 37 C.F.R. §1.48(a)(1)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.48(a), the undersigned declares that he was named an inventor in the above application in error and without deceptive intent on his part.

520 7, 1999
Date


Radomir Crkvenjakov



PATENT

Attorney Docket No: 28110/35880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Ford and George
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Serial No.: 08/968,800

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) For: A Novel EGF Motif Protein
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) Examiner: Hamud, F.

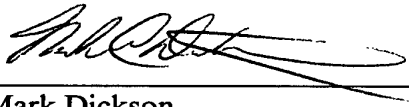
**STATEMENT OF MARK DICKSON REGARDING
INVENTORSHIP ERROR UNDER 37 C.F.R. §1.48(a)(1)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.48(a), the undersigned declares that he was named an inventor in the above application in error and without deceptive intent on his part.

8-31-99
Date


Mark Dickson



PATENT

Attorney Docket No: 28110/35880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Ford and George
Yeung

Serial No.: 08/968,800

Filed: November 22, 1997

) For: A Novel EGF Motif Protein
) Obtained from cDNA Library of Fetal
) Liver-Spleen
)
) Group Art Unit: 1646
)
) Examiner: Hamud, F.

**STATEMENT OF SNEZANA DRMANAC REGARDING
INVENTORSHIP ERROR UNDER 37 C.F.R. §1.48(a)(1)**

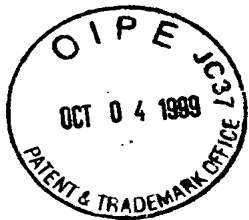
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.48(a), the undersigned declares that she was named
an inventor in the above application in error and without deceptive intent on her part.

9/01/99
Date

S. Drmanac
Snezana Drmanac



PATENT

Attorney Docket No: 28110/35880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Ford and George
Yeung

Serial No.: 08/968,800

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)
) Group Art Unit: 1646
)
) Examiner: Hamud, F.

**STATEMENT OF IVAN LABAT REGARDING
INVENTORSHIP ERROR UNDER 37 C.F.R. §1.48(a)(1)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.48(a), the undersigned declares that he was named an inventor in the above application in error and without deceptive intent on his part.

08/31/99
Date

Ivan Labat
Ivan Labat



PATENT

Attorney Docket No: 28110/35880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Ford and George
Yeung

Serial No.: 08/968,800

Filed: November 22, 1997

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) Liver-Spleen
)
) Group Art Unit: 1646
)
) Examiner: Hamud, F.

**STATEMENT OF DENA LESHKOWITZ REGARDING
INVENTORSHIP ERROR UNDER 37 C.F.R. §1.48(a)(1)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.48(a), the undersigned declares that she was named
an inventor in the above application in error and without deceptive intent on her part.

09/05/99
Date

Dena Leshkowitz
Dena Leshkowitz



PATENT

Attorney Docket No: 28110/35880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Ford and George
Yeung

Serial No.: 08/968,800

Filed: November 22, 1997

) For: A Novel EGF Motif Protein
) Obtained from cDNA Library of Fetal
) Liver-Spleen
)
) Group Art Unit: 1646
)
) Examiner: Hamud, F.

**STATEMENT OF DAVID KITA REGARDING
INVENTORSHIP ERROR UNDER 37 C.F.R. §1.48(a)(1)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.48(a), the undersigned declares that he was named an inventor in the above application in error and without deceptive intent on his part.

9/14/99
Date

David Kita
David Kita



PATENT

Attorney Docket No: 28110/35880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Ford and George
Yeung

Serial No.: 08/968,800

Filed: November 22, 1997

) For: A Novel EGF Motif Protein
) Obtained from cDNA Library of Fetal
) Liver-Spleen
)
) Group Art Unit: 1646
)
) Examiner: Hamud, F.

**STATEMENT OF GEORGE YEUNG REGARDING
INVENTORSHIP ERROR UNDER 37 C.F.R. §1.48(a)(1)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.48(a), the undersigned declares that he was omitted
as inventor in the above application in error and without deceptive intent on his part.

8/31/99
Date

George Yeung
George Yeung



PATENT

Attorney Docket No: 28110/35880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Ford and George
Yeung

Serial No.: 08/968,800

Filed: November 22, 1997

) For: A Novel EGF Motif Protein
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) Liver-Spleen
)
) Group Art Unit: 1646
)
) Examiner: Hamud, F.

**CONSENT OF ASSIGNEE TO A CHANGE IN INVENTORSHIP
PURSUANT TO 37 C.F.R. §1.48(a)(4)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

The undersigned declares that he is empowered to act on behalf of Hyseq, Inc., assignee of the above-identified application by virtue of an assignment recorded April 13, 1998 at reel no. 9211, frame no. 0543. Hyseq, Inc. consents to the deletion of Radoje Drmanac, Radomir Crkvenjakov, Mark Dickson, Snezana Drmanac, Ivan Labat, Dena Leshkowitz and David Kita as named inventors, as requested in the accompanying Petition and Amendment Correcting Inventors.

The undersigned hereby declares that all statements made herein of his or her own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified patent.

SEP 21, 1999
Date

Lewis S. Gruber
Lewis S. Gruber
President & CEO
Hyseq, Inc.
670 Almanor Avenue
Sunnyvale, California 94086



DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

I, a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "A NOVEL EGF MOTIF PROTEIN OBTAINED FROM A cDNA LIBRARY OF FETAL LIVER-SPLEEN" the specification of which (check one): ☐ is attached hereto; ☒ was filed on November 22, 1997 as Application Serial No. 08/968,800 and was amended on _____ (if applicable); ☐ was filed as PCT International Application No. _____ on _____ and was amended under Article 19 on _____ (if applicable). I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

| | | | Priority Claimed | |
|-----------------------------|-----------|------------------------|------------------------------|-----------------------------|
| (Application Serial Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| _____ | _____ | _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (Application Serial Number) | (Country) | (Day/Month/Year Filed) | Yes | No |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

| | |
|-----------------------------|------------------------|
| _____ | _____ |
| (Application Serial Number) | (Day/Month/Year Filed) |
| _____ | _____ |
| (Application Serial Number) | (Day/Month/Year Filed) |

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| | | |
|-----------------------------|------------------------|---|
| _____ | _____ | _____ |
| (Application Serial Number) | (Day/Month/Year Filed) | (Status-Patented, Pending or Abandoned) |
| _____ | _____ | _____ |
| (Application Serial Number) | (Day/Month/Year Filed) | (Status-Patented, Pending or Abandoned) |
| _____ | _____ | _____ |
| (Application Serial Number) | (Day/Month/Year Filed) | (Status-Patented, Pending or Abandoned) |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Alvin D. Shulman (19,412)
 Allen H. Gerstein (22,218)
 Nate F. Scarpelli (22,320)
 Edward M. O'Toole (22,477)
 Michael F. Borun (25,447)
 Trevor B. Joike (25,542)
 Timothy J. Vezeau (26,348)

Carl E. Moore, Jr. (26,487)
 Richard H. Anderson (26,526)
 Patrick D. Ertel (26,877)
 James P. Zeller (28,491)
 William E. McCracken (30,195)
 Richard A. Schnurr (30,890)
 Anthony Nimmo (30,920)

Christine A. Dudzik (31,245)
 Jeffrey S. Sharp (31,879)
 Martin J. Hirsch (32,237)
 James J. Napoli (32,361)
 Richard M. La Barge (32,254)
 Karl A. Vick (33,288)
 Li-Hsien Rin-Laures, M.D. (33,547)

Douglass C. Hochstetler (33,710)
 Robert M. Gerstein (34,824)
 David W. Clough (36,107)
 Richard A. Brandon (37,051)
 Roger A. Heppermann (37,641)
 David A. Gass (38,153)

Send correspondence to: Li-Hsien Rin-Laures, M.D.

| FIRM NAME | PHONE NO. | STREET | CITY & STATE | ZIP CODE |
|--|--------------|--|-------------------|------------|
| Marshall, O'Toole, Gerstein, Murray & Borun | 312-474-6300 | 6300 Sears Tower 233 South Wacker Drive | Chicago, Illinois | 60606-6402 |

| | |
|---|---|
| Full Name of First or Sole Inventor John Ford | Citizenship United States |
| Residence Address - Street 2763 S. Norfolk, #210 | Post Office Address - Street 2763 S. Norfolk, #210 |
| City (Zip) San Mateo, 94403 | City (Zip) San Mateo, 94403 |
| State or Country California | State or Country California |
| Date <input checked="" type="checkbox"/> Aug. 2, 1989 | Signature <input checked="" type="checkbox"/> <i>John Ford</i> |

| | |
|--|--|
| Second Joint Inventor, if any George Yeung | Citizenship Hong Kong (China) |
| Residence Address - Street 102 Magnolia Lane | Post Office Address - Street 102 Magnolia Lane |
| City (Zip) Mountainview, 94043 | City (Zip) Mountainview, 94043 |
| State or Country California | State or Country California |
| Date <input checked="" type="checkbox"/> Aug - 3rd 1999 | Signature <input checked="" type="checkbox"/> <i>George Yeung</i> |

| | |
|---|--|
| Third Joint Inventor, if any | Citizenship |
| Residence Address - Street | Post Office Address - Street |
| City (Zip) | City (Zip) |
| State or Country | State or Country |
| Date <input checked="" type="checkbox"/> | Signature <input checked="" type="checkbox"/> |

| | |
|---|--|
| Fourth Joint Inventor, if any | Citizenship |
| Residence Address - Street | Post Office Address - Street |
| City (Zip) | City (Zip) |
| State or Country | State or Country |
| Date <input checked="" type="checkbox"/> | Signature <input checked="" type="checkbox"/> |

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APPLICABLE RULES AND STATUTES

37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.